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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/760198
Filing Date	21 January 2004
First Named Inventor	Kia Silverbrook
Art Unit	2861
Examiner Name	Lam S Nguyen
Attorney Docket Number	RRA05US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div> <p>Email: kia.silverbrook@silverbrookresearch.com Telephone: 61-2-9818 6633 Facsimile : 61-2-9555 7762</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	Kia Silverbrook		
Date	June 5, 2006	Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**


3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

April 21, 2006
Date


Signature

+61-2-9818-6633
Telephone Number

Kia Silverbrook
Typed or printed name

393 Darling Street, Balmain, NSW, 2041, Australia
Address

Registration Number, if applicable

Address

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☒ Extension of Time

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate



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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

RR05US

First Named Inventor: Kia Silverbrook

Art Unit: 2861

Application Number: 10/760,198

Examiner: Lamson D. Nguyen

Filed: January 21, 2004

Title: Inkjet Printer Cartridge With Infrared Ink Delivery Capabilities

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(i)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,520.00 (37 CFR 1.17(i)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
Petition and Extension of Time (identify the type of reply):

☐ has been filed previously on _____ 06/08/2006 SZEWDIE1 00000022 10760198

☒ is enclosed herewith.

01 FC:1452

500.00 00

02 FC:1253

1020.00 00

B. The issue fee of \$ _____

☐ has been filed previously on _____

☐ is enclosed herewith.

06/08/2006 SZEWDIE1 00000021 10760198

01 FC:1452

500.00 00

02 FC:1253

1020.00 00

03 FC:9998

10.00 00

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199, and select option 2.

Void date: 06/08/2006 SZEWDIE1

06/08/2006 SZEWDIE1 00000021 10760198

01 FC:1452

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02 FC:1253

-1020.00 00

03 FC:9998

-10.00 00

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

April 21, 2006

Date


Signature

Kia Silverbrook

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

PLEASE SEE ATTACHED SHEETS

(Please attach additional sheets if additional space is needed.)



In the United States Patent and Trademark Office

Serial Number: 10/760,198
Application. Filed: January 21, 2004
Applicant: Kia Silverbrook
Application. Title: INKJET PRINTER CARTRIDGE WITH INFRARED INK DELIVERY
CAPABILITIES
Examiner/GAU: Lamson D. Nguyen 2861
Dated April 21, 2006
At: Balmain NSW Australia
Docket No. RRA05US

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir,

In response to the Notice of Abandonment mailed on April 14, 2006, and the Examiner's Office Action mailed on August 4, 2005, the Applicant hereby petitions for revival of this patent application, pursuant to 37 CFR 1.137(a).

It is submitted that the Applicant's delay in replying to the Office Action before the deadline set forth in that Office Action was unavoidable.

This petition is accompanied by the following:

- (1) A Response to the Office Action mailed August 4, 2005;
- (2) Fees:
 - (i) The petition fee, as set forth in 37 CFR 1.17(l).
 - (ii) Extension fees for the maximum statutory period of 6 months, as set forth in 37 CFR 1.136(a)
- (3) A summary of the facts of this case showing that the entire delay was unavoidable.

This summary is provided as follows:

- (i) The Applicant received an email from Examiner Lamson D. Nguyen dated April 11, 2006 inquiring as to the Applicant's missing response to the Office Action dated August 4, 2005 (copy of email enclosed).
- (ii) The Applicant checks PAIR and downloads copy of the Office Action dated August 4, 2005, which was never received by the Applicant.
- (iii) Upon further checking PAIR, the Applicant noted that the Office Action mailed August 4, 2005 was returned to the USPTO marked "undelivered mail" (copy of PAIR entry and of USPTO envelope enclosed). The address shown on the Office Action which would have appeared in the envelope's window is correct.
- (iv) The Office Action sets a period for reply expiring 3 months from the mailing date of the Office Action. The maximum statutory period for reply expires 6 months from the mailing date of the final rejection.
- (v) The reason that the Applicant never replied to the Advisory Action is due to the Office Action being returned to the USPTO. As a consequence, the Office Action was never received by the Applicant and therefore the Applicant was unaware a response was due.
- (vi) It is submitted that, in the circumstances, the Applicant's entire delay in filing the required reply to the Office Action by the deadline set forth in the Office Action was *unavoidable*.

The Applicant respectfully submits that had the Office Action been received without delay, the Office Action would have been responded to within the first three months deadline. The Applicant therefore respectfully requests that the extra 3 months extension of time (enclosed) be refunded in due course.

It is requested that this application be revived under the provisions of 37 CFR 1.137(a).

Very respectfully,

Applicant:



KIA SILVERBROOK

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Balmain NSW 2041, Australia

Email: kia.Silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9818 6711



COPY

From: Nguyen, Lamson [mailto:Lamson.Nguyen@USPTO.GOV]
Sent: Tuesday, 11 April 2006 7:16 AM
To: Pascale Hair
Subject: 10/760,198, Docket # RRA05US

Hello,

Please advise status of subj. case. Was there ever an amendment filed? It's been over 8 months since the rejection was sent out. Thank you.

regards,
Lamson

-----Original Message-----

From: Pascale Hair [mailto:pascale.hair@silverbrookresearch.com]
Sent: Sunday, March 05, 2006 4:13 PM

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Description	Document Category	Page Count
08-18-2005	Mail returned to USPTO as undelivered	PROSECUTION	8
08-04-2005	Non-Final Rejection	PROSECUTION	5
08-04-2005	List of References cited by applicant and considered by examiner	PROSECUTION	1
08-04-2005	List of references cited by examiner	PROSECUTION	1
08-04-2005	Index of Claims	PROSECUTION	1
08-04-2005	Search information including classification, databases and other search related notes	PROSECUTION	1
06-27-2005	Preliminary Amendment	PROSECUTION	1
06-27-2005	Specification	PROSECUTION	5
06-27-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
06-27-2005	Transmittal to TC	PROSECUTION	1
06-27-2005	Drawings	PROSECUTION	36
11-08-2004	Foreign Reference	PRIOR ART	42
11-08-2004	Foreign Reference	PRIOR ART	42
11-08-2004	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
06-25-2004	Fee Worksheet (PTO-875)	PROSECUTION	1
06-25-2004	Claims Worksheet (PTO-2022)	PROSECUTION	1
04-26-2004	Pre-Exam Formalities Notice	PROSECUTION	2
01-21-2004	Transmittal letter	PROSECUTION	8
01-21-2004	Specification	PROSECUTION	28
01-21-2004	Claims	PROSECUTION	1
01-21-2004	Abstract	PROSECUTION	1
01-21-2004	Drawings	PROSECUTION	36
01-21-2004	Oath or Declaration filed	PROSECUTION	2
01-21-2004	Fee Worksheet (PTO-875)	PROSECUTION	1
01-21-2004	Fee Worksheet (PTO-875)	PROSECUTION	1

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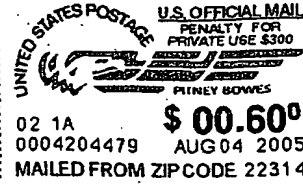
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In the United States Patent and Trademark Office

Serial Number: 10/760,198
Application. Filed: January 21, 2004
Applicant: Kia Silverbrook
Application Title: INKJET PRINTER CARTRIDGE WITH INFRARED INK DELIVERY
CAPABILITIES
Examiner/GAU: Lamson D. Nguyen 2861
Dated: April 21, 2006
At: BALMAIN, NSW
Docket No. RRA05US

REPLY

Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

In response to the Office Action of August 4, 2005, the Applicant submits the following remarks:

Applicant thanks Examiner for the detailed Office Action dated August 4, 2005. In response to the issues raised, the Applicant offers the following submissions.

Claims – 35 USC§102

Claim 1 to 4 stand rejected for lack of novelty in light of US 6,496,654 to Silverbrook et al.

The Applicant disagrees. Claim 1 is directed to a printer cartridge with a printhead in fluid communication with an IR ink supply stored by the cartridge. The ordinary worker readily understands that a cartridge is a removable and replaceable unit that supplies one or more consumable materials for the printer. The '654 reference does not provide any disclosure of a cartridge with IR ink and a printhead for insertion and removal from a printer.

Accordingly, the cited reference fails to disclose all the elements defined in Claim 1. It follows that the citation fails to anticipate claims 2 to 4 by virtue of the direct or indirect appendence to claim 1.

It is respectfully submitted that the application is now in condition for allowance. Accordingly, the Examiner's favorable reconsideration is courteously solicited.

Very respectfully,

Applicant:



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